

dollars," and in line 8, by striking out the words "General Fund" and insert in lieu thereof the words "Road and bridge fund."

#### Committee Amendment No. 5.

Amend H. B. No. 376, original bill, in Section 5, Page 4, lines 1 and 2 thereof, by striking out the following: "and such other assistants as may be necessary to properly discharge the duties of his office," and in line 3 thereof by striking out the word "assistants" and inserting in lieu thereof the word "assistant."

#### Committee Amendment No. 6.

Amend H. B. No. 376 in Section 9, Page 7, line 8 thereof by adding the following: "Provided, however, that this section shall not apply to the custody and control of machinery, equipment, trucks, cars, teams, wagons, harness, tools, supplies, materials and other property that is now or may be hereafter used in connection with the maintenance, repairs, drainage or construction of the county roads of said counties."

#### Committee Amendment No. 7.

Amend H. B. No. 376, in Section 9a, Page 7, line 1, by adding after the word "all" in line 1 the word "such," and after the word "supplies" in line 2, the words "of which he is the custodian under the terms of this Act."

#### Committee Amendment No. 8.

Amend H. B. No. 376, original bill, in Section 10, Page 8, line 2 thereof by striking out the word "county" and inserting after the word "officer" the words "or employee," and by adding after the word "officer" in line 8 the words "or employee."

### THIRTY-NINTH DAY.

Senate Chamber,  
Austin, Texas,  
March 8, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Neal.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By unanimous consent of the membership of the Senate, the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills:

By Senators Small and Woodul:

S. B. No. 427, A bill to be entitled "An Act to amend Article 1160, Penal Code, 1925, and amendatory Act, entitled H. B. No. 761, enacted by the Forty-second Legislature of the State of Texas at its Regular Session, 1931, relating to the offense of assault with intent to murder, and adding to Chapter 4, Title 15, Penal Code of the State of Texas, Article 1160a, providing that upon the trial of one charged with the offense mentioned there shall be an instruction defining malice aforethought and in a proper case, murder without malice; fixing the penalty for assault with intent to murder without malice; fixing the penalty for assault with intent to murder when committed upon any duly elected and qualified Executive, Judicial or Administrative Officer of the United States or any State thereof or upon any such person who has been duly elected to any such office and not yet qualified, and repealing all laws in conflict

herewith, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Blackert:

S. B. No. 428, A bill to be entitled "An Act authorizing the board of trustees of independent school districts having a scholastic population of not less than 1800 and not more than 1900 according to the last State scholastic census, to borrow money from the Reconstruction Finance Corporation or from other sources, for the purpose of installing canning factories, and manual training departments; providing for charging of fees for the use of such equipment to make same self-liquidating, and providing for the issuance of securities based on such fees which may be supplemented by the local maintenance tax of such districts as a basis of credit for the purchase of such equipment as is named above; and declaring an emergency."

Read and referred to Committee on Educational Affairs.

#### Message From the Governor.

Executive Department,  
Austin, Texas, March 8, 1933.  
To the Texas Senate:

I ask the advice and consent of the Senate in the following appointments:

To be a Member of the State Board of Health: Dr. J. B. Brady, dentist, of El Paso, Texas, to fill the unexpired term of Dr. Ralph A. Erickson, deceased.

To be Members of the Board of Regents, College of Industrial Arts, Denton, Texas: Hon. J. K. Brim, of Hopkins County; Mrs. Doak Roberts, of Dallas County; Mrs. J. M. Loving, of Travis County.

To be Members of the State Board of Education: Hon. W. A. Morrison, of Milam County; Hon. Larry Mills, of Dallas County.

To be Members of the Board of Directors of Texas Agricultural and Mechanical College: Hon. L. J. Wardlaw, of Tarrant County; Hon. Guy T. Anderson, of Robertson County.

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Read and referred to Committee on Governor's Nominations.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolutions:

H. C. R. No. 18, Proposing that the State of Texas accept title to the DeZavalla Cemetary Park.

S. C. R. No. 24, To provide for the greater use of granite in Federal construction.

(With amendments.)

H. C. R. No. 42, Granting permission to Jess V. Creech to sue the State for damages.

H. C. R. No. 43, Granting permission to R. A. Robinson to sue the State for damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 21, A bill to be entitled "An Act authorizing the establishment of liens on mausoleums, monuments and markers wherever erected; providing procedure, and declaring an emergency."

H. B. No. 88, A bill to be entitled "An Act to provide for liens in favor of hospitals and other institutions furnishing care, treatment, and maintenance of persons injured in accidents, upon the rights of action, claims, and demands of such injured persons against other persons or corporations for damages on account of negligence causing the injuries, and upon the proceeds of the settlements of any such claims or demands, and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act amending Article 6673, Chapter 1, of Title 116, of the Revised Civil Statutes of Texas, and providing for the control of State Highways of Texas, and providing that no change in the routing of highways already designated within towns and cities of more than three hundred fifty (350) population, shall be changed without the consent of the commissioners court of the county wherein said town or city is

situated; providing nothing in this Act shall prevent the re-routing of a State highway through a town to avoid railroad crossings, provided the commissioners court may require the old routing upon paying one-half the cost of necessary underpasses or overpasses, and declaring an emergency."

H. B. No. 394, A bill to be entitled "An Act to amend Sections 4 and 5, of Chapter 88, of the General Laws of the Forty-first Legislature, Second Called Session, page 172, said sections appearing on page 175 of said Acts, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 168, and requests the appointment of a conference committee to adjust the differences between the two Houses. The following are appointed on the part of the House:

HARMAN,  
COOMBES,  
CHASTAIN,  
GOOD,  
FORD.

The House has adopted the following resolutions:

H. C. R. No. 7, Granting permission to W. Q. Starr to sue the State for personal injuries.

S. C. R. No. 15, Granting permission to Col-Tex Refining Company to sue the State for damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Resolution Referred.

H. C. R. No. 7, referred to Committee on State Affairs.

#### Motion to Re-commit.

On motion of Senator Cousins, H. B. No. 429 was recommitted to the Committee on State Affairs.

#### Motion to Print.

Senator Poage moved to print S. B. No. 197 on minority report.

The motion prevailed by the following vote:

#### Yeas—14.

Blackert.  
Collie.  
DeBerry.  
Duggan.  
Fellbaum.  
Holbrook.  
Hornsby.

Murphy.  
Oneal.  
Pace.  
Poage.  
Purl.  
Sanderford.  
Woodul.

#### Nays—13.

Beck.  
Cousins.  
Greer.  
Hopkins.  
Moore.  
Parr.  
Patton.

Rawlings.  
Redditt.  
Russek.  
Small.  
Stone.  
Woodruff.

#### Absent.

Martin.  
Regan.

Woodward.

#### Absent—Excused.

Neal.

#### Motion to Grant Free Conference.

Senator Holbrook moved to grant the request of the House for the appointment of a Free Conference Committee on H. B. No. 168. The motion prevailed.

#### S. B. No. 138 Re-referred.

On motion of Senator Woodward, S. B. No. 138 was withdrawn from the Committee on Civil Jurisprudence and re-referred to the Committee on Finance.

#### Resolution Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 15.

#### S. J. R. No. 3.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Rawlings:

S. J. R. No. 3, Proposing an amendment to the Constitution of the State of Texas by adding to Article 9 thereof a new section to be numbered 3, so as to authorize any county to adopt a Home Rule Charter for the establishment and regulation of its government, which may provide that the commissioners court of such counties may serve as

the governing body, or that some other body shall act in lieu thereof, and said charters may also provide that the county judge, justice of the peace, district and county attorneys and other officers in said counties may be compensated by salary instead of fees of office, etc.

Read second time.

Senator Rawlings moved to lay the resolution on the table subject to call.

Senator Collie moved as a substitute that the resolution be re-committed to the Committee on Constitutional Amendments. The motion was lost.

The motion to lay the resolution on the table subject to call prevailed.

#### Motion to Concur.

On motion of Senator Hornsby, the Senate voted to concur in the House amendment to S. C. R. No. 24.

#### Executive Session Set.

Senator Martin moved that the Senate go into executive session tomorrow morning at 11:30 o'clock. The motion prevailed.

#### House Bills Referred.

H. B. No. 394, referred to Committee on State Highways and Motor Traffic.

H. B. No. 88, referred to Committee on Civil Jurisprudence.

H. B. No. 21, referred to Committee on Civil Jurisprudence.

H. B. No. 311, referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 18, referred to Committee on State Affairs.

H. C. R. No. 43, referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 42, referred to Committee on State Highways and Motor Traffic.

H. C. R. No. 44, referred to Committee on Stock and Stock Raising.

H. C. R. No. 39, referred to Committee on Public Health.

#### Senate Bill No. 245.

By unanimous consent the Constitutional Rule relating to the passage of general bills during the first 60 days of the session was suspended and consent was granted to take up and consider out of its regular order the following bill:

By Senator Hornsby:

S. B. No. 245, A bill to be entitled "An Act to designate and fix the 3rd day of November as 'Father of Texas Day' in memory of Stephen F. Austin, the real and true Father of Texas."

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 245 was put on its third reading and final passage by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Neal.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Neal.

#### Motion to Reconsider.

Senator Pace moved to reconsider the vote by which S. B. No. 197 was ordered printed on minority report.

The motion prevailed by the following vote:

Yeas—17.

Beck.	Rawlings.
Cousins.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Hopkins.	Small.
Moore.	Stone.
Pace.	Woodruff.
Parr.	Woodward.
Patton.	

Nays—10.

Collie.	Murphy.
DeBerry.	Oneal.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Sanderford.

Absent.

Woodul.

Absent—Excused.

Neal.

(Pair Recorded.)

Senator Blackert (present) who would vote nay, with Senator Martin (absent) who would vote yea.

The question recurred upon the motion to print the bill on minority report.

Senator Purl moved as a substitute that the bill be re-committed to the Committee on Finance.

Senator Greer moved to recess until 2 o'clock p. m. The motion was lost by the following vote:

Yeas—11.

Collie.	Murphy.
Cousins.	Oneal.
DeBerry.	Poage.
Greer.	Purl.
Holbrook.	Stone.
Hornsby.	

Nays—18.

Beck.	Rawlings.
Blackert.	Redditt.
Duggan.	Regan.
Fellbaum.	Russek.
Hopkins.	Sanderford.
Moore.	Small.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent.

Martin.

Absent—Excused.

Neal.

Senator Greer moved to recess until 2:30 o'clock p. m. The motion was lost by the following vote:

Yeas—10.

DeBerry.	Murphy.
Greer.	Oneal.
Holbrook.	Poage.
Hornsby.	Purl.
Moore.	Stone.

Nays—18.

Beck.	Rawlings.
Blackert.	Redditt.
Collie.	Regan.
Duggan.	Russek.
Fellbaum.	Sanderford.
Hopkins.	Small.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.

Absent.

Cousins.

Martin.

Absent—Excused.

Neal.

Senator Pace raised the point of order that under Senate Rule No. 15, the time of Senator Purl had expired.

The Chair, President Pro Tem. Walter Woodul, held that the rule did apply to this question but that no official notice of Senator Purl's time had been taken.

Senator Hopkins moved the previous question on the substitute motion and the original motion. The previous question was ordered by the following vote:

Yeas—14.

Beck.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Hopkins.	Regan.
Moore.	Russek.
Pace.	Small.
Parr.	Woodruff.

Nays—12.

Collie.	Greer.
DeBerry.	Holbrook.

Hornsby.	Purl.
Murphy.	Stone.
Oneal.	Woodul.
Poage.	Woodward.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Blackert (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senator Sanderford (present) who would vote nay, with Senator Cousins (absent) who would vote yea.

Senator Poage addressed the Senate on a point of personal privilege.

Senator DeBerry raised the point of order that the 10-minute time limit provided under Senate Rule No. 15 did not apply to the discussion of a point of personal privilege.

The Chair, President Pro Tem. Walter Woodul, overruled the point of order.

The Chair, President Pro Tem. Walter Woodul, stated that under Senate Rule No. 94, the discussion of personal privilege after the previous question had been ordered was out of order.

The substitute motion (to re-commit) was lost by the following vote:

Yeas—10.

Collie.	Murphy.
DeBerry.	Oneal.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Woodul.

Nays—16.

Beck.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hopkins.	Russek.
Moore.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodward.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Blackert (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senator Sanderford (present), who would vote yea, with Senator Cousins (absent), who would vote nay.

The motion to print on minority report was lost by the following vote:

Yeas—10.

Collie.	Murphy.
DeBerry.	Oneal.
Greer.	Poage.
Holbrook.	Purl.
Hornsby.	Woodul.

Nays—16.

Beck.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Hopkins.	Russek.
Moore.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodward.

Absent—Excused.

Neal.

(Pairs Recorded.)

Senator Blackert (present) who would vote nay, with Senator Martin (absent) who would vote yea.

Senator Sanderford (present), who would vote yea, with Senator Cousins (absent) who would vote nay.

#### Free Conference Committee Appointed.

The Chair announced the appointment of the following Free Conference Committee on the part of the Senate on H. B. No. 168:

HOLBROOK,  
ONEAL,  
MOORE,  
SMALL,  
MARTIN.

#### Motion to Instruct Chairman.

Senator Purl moved that he, as Chairman of the Committee on State Institutions and Departments, be instructed to inform the Chairman of the Committee on State Affairs in the House, that the Senate Chamber tonight would be used by the Senate Committee on Labor for a public hearing and to request that the joint hearing of the Senate Committee on State Institutions and Departments and the House Committee on State Affairs tonight be held in the House instead of in the Senate Chamber as originally scheduled. The motion prevailed.

**Adjournment.**

On motion of Senator Hopkins, the Senate, at 1:41 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

**APPENDIX.****Committee on Enrolled Bills.**

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had S. C. R. No. 24 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 15 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

**Committee on Engrossed Bills.**

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 421 carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 245, carefully examined and compared and find same correctly engrossed.

REGAN, Chairman.

**Committee Reports.**

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 364, A bill to be entitled (Relative to balance due for publishing certain joint resolutions).

Have had the same under consideration, and I am instructed to

report it back to the Senate with the recommendation that it do pass and be printed.

HOLBROOK, Chairman.

(Majority Report.)

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 197, A bill to be entitled (Relative to abolishing certain State colleges).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

HOLBROOK, Chairman.

(Minority Report.)

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on Finance, beg to differ with the majority of the Committee and to recommend that

S. B. No. 197, Relative to abolishing certain State colleges.

Do pass and that the bill be printed.

POAGE,  
DeBERRY.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 13, Relative to granting S. G. Burnett, et al., permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. C. R. No. 25, Relative to granting Raymond Canion permission to sue the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 267, A bill to be entitled "An Act amending Articles 7245, 7246, 7247, 7248 and 7249 of the 1925 Revised Civil Statutes of Texas by providing for the election, oath and bond of the office of Assessor and Collector of Taxes as combined by the recent amendment to the Constitution; providing that Articles 7181 and 7359, inclusive, of Title 122 of the 1925 Revised Civil Statutes of Texas including all amendments, as well as the 1925 Revised Civil Statutes, shall be so construed as to carry out the purposes of the constitutional amendment providing for one office and that the words "assessor" "Assessor of Taxes," "Collector," "Collector of Taxes," or "tax collector" shall refer to and mean one office or officer; etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 132, A bill to be entitled "An Act to amend Chapter 7 of the Acts of the Forty-first Legislature, Regular Session, page 17, providing for the continuance of the trial of civil and criminal causes and matters in probate, pending in any court in this State while the Legislature is in session, where it appears by affidavit that a party to any such cause is a member of the Legislature and is in attendance thereon, or where it appears that the attorney for any party applying for such continuance in any criminal case is a member of the Legislature and is in attendance thereon, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 413, A bill to be entitled "An Act regulating and fixing the rights of parties to contracts or conveyances executed by persons at the time who are of unsound mind or otherwise incompetent, where no adjudication of incompetency has been made by a court of competent jurisdiction, and, also, where such adjudication has been made but no lawful guardian of the estate of such incompetent has been appointed, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 382, A bill to be entitled "An Act to amend Article 1321 Revised Civil Statutes 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 355, A bill to be entitled "An Act to amend Article 5561 of the Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Forty-first Legislature, passed at its first called session and found in the published laws of said session, Chapter 101, pages 243 and 244, so as to provide that officers in lunacy cases shall be allowed the same fees as are now allowed for similar services performed in misdemeanor cases and the jurors shall



each be allowed a fee of one dollar (\$1.00) to be paid out of the estate of the defendant if he have an estate, otherwise by the county on accounts approved by the county judge, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 360, A bill to be entitled "An Act authorizing the Republic Bank & Trust Company of Austin, Texas, and the First National Bank of DeKalb, Texas, at DeKalb, Texas, as innocent purchasers of certain deficiency certificates issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates; defining 'innocent purchasers' and procedure for said suits; and providing for the method and time of payment and appropriating funds out of which payment may be made; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 309, A bill to be entitled "An Act to amend Article 3810 of the Revised Civil Statutes relating to sales of real estate under deeds of trust; requiring notice of such sales to be sent by registered mail to all persons having liens of record against the land to be foreclosed and providing that an affidavit made by the party sending a notice by mail shall be subject to registration and when recorded, shall be prima facie evidence that the notice was sent, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 274, A bill to be entitled "An Act regulating petitions in suits for divorce to require such petitions to state whether there are children under sixteen years of age, and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of such children, if divorce be granted, empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen years of age, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 194, A bill to be entitled "An Act to give and grant to Mrs. Susie Hagensen leave and permission to prosecute, in the proper courts of Fort Bend County, Texas, suit or suits against the State of Texas and the members of the Texas Prison Board, in their official capacity only, for damages sustained by reason of the employees of the Texas Prison Board cutting fences on her farm adjoining the State Prison Farm, and allowing her hogs to escape and damaging her fences on or about December 2, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 66, A bill to be entitled "An Act to amend Article 4285 of Chapter 13, Title 69, of the Revised Civil Statutes of Texas, 1925, providing for the appointment and qualification of non-resident guardians of the estates of non-resident wards in the State of Texas, and prescribing the procedure in such cases, so as to extend the provisions thereof to all classes and kinds of guardianships of estates of wards, whether such guardianships are authorized in this State or not, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 411, A bill to be entitled "An Act to amend Chapter 1, Title 42 of the Revised Civil Statutes of Texas, by inserting just after Article 1993 a new article to be numbered 1993a."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 412, A bill to be entitled "An Act amending Article 7076 of the Revised Civil Statutes of Texas, 1925; relating to the recovery of money and penalties due the State of Texas; providing for the venue in such suits, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 398, A bill to be entitled "An Act amending Section 11 of Article 8307 of the Revised Civil Statutes of Texas, 1925, so as to require the association to notify the Industrial Accident Board when payment of compensation has been suspended, and providing a penalty for the intentional failure to give such notice, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 406, A bill to be entitled "An Act to amend Article 1641 of the Revised Civil Statutes of 1925, by adding thereto another article to be known as Article 1641-B providing for the making of audits of counties by grand juries; providing generally the means and manner thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 227, A bill to be entitled "An Act providing for the removal of guardianships from one county in this State to another county therein, when the residence of the ward is changed to such other county, and in cases where the guardian of the ward's estate is one person or corporation, and his natural guardian or guardian of his person is another, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 400, A bill to be entitled "An Act empowering the Supreme Court to make and establish rules and procedure for the government of said Court and for other courts of this State to expedite and dispatch the business therein; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 362, A bill to be entitled "An Act to authorize the issuance of a corrected letters patent in lieu of Letters Patent No. 521, Volume 33, issued November 14, 1876, to the Texas & Pacific Railroad Company, upon filing corrected field notes; to authorize cancellation of original Letters Patent No. 521, Volume 33, to quit title to said land, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 290, A bill to be entitled "An Act amending Article 2326b, Title 42, Acts 1929, Forty-first Legislature of the State of Texas, by changing the manner and amount of the salary of official shorthand reporters in each judicial district in any county which alone constitutes two or more judicial districts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 285, A bill to be entitled "An Act providing that the clerk of any justice court, county court, county court at law, district court or other court of record, shall give non-resident attorneys written notice by registered mail at least ten days before the date a cause is set for hearing; providing that in the absence of such notice no adverse default judgment shall be rendered against any party represented by such non-resident attorney, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 361, A bill to be entitled "An Act authorizing W. B. Cross of Travis County, Texas, as innocent purchaser of certain deficiency certificates issued by the Comptroller of the State of Texas, to sue the State of Texas on said deficiency certificates, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 23, A bill to be entitled "An Act amending Articles 3552, 3553, 3565, 3566, 3567 and 3569 of the Revised Civil Statutes of the

State of Texas, 1925, giving authority to executors and administrators the right to mortgage and sell the property belonging to the estate of deceased persons, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 65, A bill to be entitled "An Act to amend Articles 4267, 4268, 4269, 4270, 4272, 4274, 4275, 4282, 4283 and 4284 of Chapter 12, Title 69, of the Revised Civil Statutes of Texas, relating to guardianship of persons of unsound mind and habitual drunkards, by extending the provisions thereof to persons mentally incompetent to manage their own property; adding to said Chapter Article 4267-A defining the terms 'incompetent,' 'mentally incompetent' and 'incapable' as used in this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 79, A bill to be entitled "An Act to amend Article 1093 of the Revised Civil Statutes of Texas, 1925, providing for personal notice to the owner, in addition to the notice as now provided in said article, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 157, A bill to be entitled "An Act to amend Article 2124 of the Revised Civil Statutes of 1925, providing that no jury trial shall be had in any civil suit unless an application therefor be made in open court and a jury fee of forty dollars, if in the district court, and twenty dollars if in the county court, be deposited by the applicant with the clerk to the use of the county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 68, A bill to be entitled "An Act to exempt estates of minors of fifteen thousand dollars or less in valuation, administered in guardianship under Title 69, Revised Civil Statutes of Texas, 1925, from all fees, charges, costs and commissions allowed by law, except commissions allowed to guardians, and to amend Article 4317, Revised Civil Statutes of 1925, regulating costs and securities for guardianship proceedings, and to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 121, A bill to be entitled "An Act amending Article 6881 of Title 120, Chapter 5 of the Revised Civil Statutes of the State of Texas, 1925, correcting the laws applying to bonds executed by constables, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 206, A bill to be entitled "An Act authorizing a minor to sue its father and a wife to sue her husband for necessities; defining necessities; regulating such suits; dispensing with security or bond by the plaintiff in such action or suit or the appeal thereof, fixing venue, repealing all laws and parts of laws in conflict, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 223, A bill to be entitled "An Act to amend Article 3812 of the Revised Civil Statutes, 1925, relating to notices of sales of personal property under execution or chattel mortgage liens, so as to provide for the publication of such notices in certain newspapers, providing for the repeal of all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 255, A bill to be entitled "An Act to amend Article 3781 of the Revised Statutes of the State of Texas, providing that the issuance of a writ which requires the delivery or sale of specific property therein described and ordered sold may be issued to any county where part of the property is situated; and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 346, A bill to be entitled "An Act to amend Chapter 45 H. B. No. 1002, enacted in the Regular Session of the Forty-second Legislature, which act became effective April 9, 1931, to provide for the preparation of briefs in the Courts of Civil Appeals and in the Supreme Court, setting forth the basic elements to be embraced in such briefs, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 272, A bill to be entitled "An Act to amend Article 5449 of the Revised Civil Statutes of 1925, by providing a judgment lien shall cease to exist if execution be not sued out within ten years from the date of judgment, or if ten years intervene between date of last execution issued and time of suing out another execution."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 348, A bill to be entitled "An Act providing for evidence of handwriting by comparison, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 359, A bill to be entitled "An Act to amend Article 261 of the Revised Civil Statutes of 1925 relating to assignments for the benefit of creditors, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 405, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas, 1925, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 108, A bill to be entitled "An Act providing for the removal of guardianships from one county in this State to another county therein, when the residence of the ward is changed to such other county, and in cases where the guardian of the ward's estate is in one person or corporation, and his natural guardian, or guardian of his person is another, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 407, A bill to be entitled "An Act to save the State the useless expense of assessing poll taxes; and requiring the payment of such poll taxes without assessment and regulating the time and manner of such payment, and amending Articles 3937 as amended and Articles 7046 and 2959, Revised Civil Statutes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

WOODWARD, Chairman.

Amendment.

Amend S. B. No. 407 by adding a new section to be known as Section 1-A, and to be inserted immediately after Section 1, and to read as follows:

"Section 1-A. Article 7209 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

"Article 7209. Collectors of taxes of counties, cities and towns, when any taxpayer applies to them to ascertain the amount of his taxes, and the collector finds that his name or his property does not appear on the tax roll, shall assess said taxpayer then and there, collect the taxes and enter the same upon a supplemental tax roll to be made by him. He shall make out, on forms to be furnished by the Comptroller, three copies of such supplemental roll, one copy to be delivered to the Comptroller, one to be delivered to the county clerk, and one to be filed in the collector's office. Said supplemental tax roll shall be made out and delivered to the commissioners court with all other papers pertaining to the final settlement of said tax collector, and the same shall be examined and approved by the commissioners court, in like manner as upon the tax roll of the tax assessor. The oath shall be the same as is administered by tax assessors under existing law. The tax collector shall receive the following compensation for his services on all assessments made by him under this Act, to-wit: For assessing the State and county taxes, four

cents for each one hundred dollars of property so assessed; which fee shall be paid in the same way as the tax assessor's fee in Article 3937."

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 131, A bill to be entitled "An Act to establish and create a criminal judicial district and a criminal district court for Bexar County, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 429, A bill to be entitled "An Act defining oleomargarine and other terms used in this Act, providing tax of ten (10) cents per pound on certain oleomargarines, for method of collecting tax, for certificates and reports to Commissioner of Agriculture by wholesalers of taxable oleomargarine; providing for manner and time of payment of tax, for records of sales and inspection, for sticker tags and invoices, manner of shipment or delivery and liability of dealers; giving Commissioner of Agriculture authority to enforce this Act and collect tax; defining oleomargarine to be taxed and that not to be taxed, regulating sale and color of oleomargarine; requiring license for wholesalers and fixing fee; providing for markings placed on containers and regulations for public places serving oleomargarine; providing for deposit of fees and taxes collected by this Act; providing for forfeitures, saving clause, and penalties, and effective date, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 92, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of 1925, as amended by Section 2, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, prohibiting the waste of gas by escape and requiring the confinement thereof under the terms and conditions of said article; providing for the utilization of gas containing hydrogen sulphide, or other foreign substance, for purposes other than light or fuel, to the extent of 25 per cent of the open flow of the wells producing such gas; giving the Commission authority to permit such utilization in excess of 25 per cent of the open flow after hearing; and, providing that such utilization shall not constitute waste; affixing penalty for violation thereof, repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee substitute, hereto attached, be adopted in lieu thereof, and that the same do pass and be printed.

HOPKINS, Chairman.

C. S. S. B. No. 92.

#### A BILL To Be Entitled

An Act amending Article 6008 of the Revised Civil Statutes of 1925, as amended by Section 2, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, prohibiting the waste of gas by escape and requiring the confinement thereof under the terms and conditions of said Article; providing that gas from wells produced from a common reservoir consisting of more than three hundred thousand acres where the owner has no reasonable market available may be utilized for purposes other than light and fuel to the extent of twenty-five per cent of the open flow and that such utilization shall not constitute waste; fixing a penalty for a violation thereof and providing means

for recovering such penalty; repealing all laws in conflict and providing that if any portion of the Act is unconstitutional, shall nevertheless be valid; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6008 of the Revised Civil Statutes of 1925, as amended by Section 2, Chapter 26, of Acts of the 42nd Legislature, First Called Session, is hereby amended so that it shall hereafter read as follows:

"Article 6008. Any person, firm, or corporation in possession as owner, lessee, agent, trustee, receiver, or manager, or any person, co-partnership, or corporation in possession of any well producing natural gas from a common reservoir or pool consisting of more than three hundred thousand acres, in order to prevent said gas from wasting by escaping, shall within ten days after encountering such gas, confine said gas in said well until said gas shall be utilized for light or fuel; provided, that where gas is encountered for which there is no reasonable market for light or fuel available to the owner, the same may be utilized for other purposes, including the manufacture of natural gasoline, to the extent of twenty-five per cent of the open flow of the well producing such gas, and under such circumstances, such utilization for purposes other than light and fuel shall not constitute waste. Any person violating the provisions of this article shall be liable to a penalty of one thousand dollars for each day such offense is committed, to be recovered with the costs of suit in a civil action instituted by the Attorney General in the name of the State of Texas in Travis County, and each day any such violation continues, shall be a separate and distinct offense and for which the party in violation shall be held liable for the penalty herein prescribed.

Sec. 2. If any section, subdivision, paragraph, sentence, clause or word of this Act be held to be unconstitutional, the remaining portions of the same, shall, nevertheless, be valid.

Sec. 3. All laws inconsistent or in conflict herewith are hereby expressly repealed.

Sec. 4. The fact that the present

laws are inadequate for the protection of the rights of the various owners of gas lands creates an emergency and an imperative public necessity that the constitutional rule which requires bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 384, A bill to be entitled "An Act to permit the following persons, their heirs or assigns to sue the State of Texas, or join the State of Texas as a party defendant, in the following cases now pending in the District Court of Polk County, Texas, styled J. W. Sessions vs. National Surety Company et al., and C. B. Fairchild vs. National Surety Company et al., providing said suit may be filed or the State of Texas may be joined party defendant in said cases, within two years from the effective date of this Act, and further providing that the State may be served by service upon the Attorney General of the State of Texas, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HOPKINS, Chairman.

Committee Room,

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 373, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, by adding a new section to be known as Section 95-B, to provide that any private corporation now created under either Section 81, 82, or 95-A, Article 1302 of the Revised Civil Statutes of the State of Texas, 1925, may so amend its charter as to include the business of selling ice manufactured with machinery used by such corporation in connection with the manufacture of refrigeration for cold storage pur-



poses which may be used by such corporation, and that any corporation hereafter incorporated under either Section of said Article may be incorporated for the additional purpose of selling ice manufactured by machinery used by such corporation in connection with the manufacture of refrigeration for cold storage purposes which may be used by such corporation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 253, A bill to be entitled "An Act making more adequate provision for the giving of surety bonds in connection with all contracts with the State of Texas, or any of its counties, school districts, or other subdivisions of the State, or any municipality therein, or any incorporated body politic of the State of Texas, for the construction or repair of any public building or the prosecution and completion of any public work, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 50, A bill to be entitled "An Act to amend Articles 6050, 6058, 6059 as amended, 6060 as amended, 6066 as amended, Revised Civil Statutes of Texas, 1925, and by adding Articles 6058-A and 6058-B, so as to more clearly define Gas Utility and to prohibit the raising of domestic and commercial rates in unincorporated towns and in incorporated towns of less than 500 population, and of rural subscribers without notice and hearing; to authorize

the Railroad Commission under certain conditions to aid cities of 10,000 population, or more, in making an appraisal of the properties and an audit of the accounts of the Gas Utility or Gas Utilities serving such cities; to provide for the necessary funds and organization in carrying out the provisions of this Act; providing that if any provision of this Act is declared invalid or unconstitutional that it shall not affect any other provision of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 319, A bill to be entitled "An Act fixing the amount of penalty and interest on delinquent taxes due the State of Texas or any political subdivision thereof, and repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 332, A bill to be entitled "An Act relating to privileged matters in communication in suits for slander, and further providing and regulating when said privilege is lost, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

HOPKINS, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

S. B. No. 147, A bill to be entitled  
"An Act to amend Articles 1103,  
1105, 1106 and 1110 of the Penal  
Code of 1925, and declaring an emer-  
gency."

Have had the same under consid-  
eration, and I am instructed to re-  
port it back to the Senate with the  
recommendation that it do pass, with  
attached committee amendments,  
and be printed.

HOPKINS, Chairman.

#### Committee Amendment No. 1.

Amend S. B. No. 147 by striking  
out the words "of 1925," wherever  
they appear in the caption and  
throughout the body of the bill.

#### Committee Amendment No. 2.

Amend Section 1, Article 1103 of  
S. B. No. 147 by striking out the  
words "for hire" after the word  
"transporting," in line 3 of said  
Article.

#### Committee Amendment No. 3.

Amend Section 3, Article 1106 of  
S. B. No. 147, by adding after sub-  
section 5 in said article, another  
subsection as follows:

"6. The end or dry point of dis-  
tillation must not be over 437 de-  
grees Fahrenheit."

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the  
Senate.

Sir: We, your Committee on State  
Affairs, to whom was referred

H. B. No. 347, A bill to be entitled  
"An Act defining certain words,  
terms and phrases for the purposes  
of this Act, providing and imposing  
an occupation tax on the first sale,  
distribution or use of motor fuel in  
this State; providing certain excep-  
tions, exemptions and deductions  
from the tax hereby levied; provid-  
ing for refunds of taxes paid in cer-  
tain instances and under certain con-  
ditions, requiring distributors of  
motor fuel to obtain a permit and to  
file with the Comptroller of Public  
Accounts a surety bond or in lieu  
of bond to deposit in a suspense

account in the State Treasury an  
amount of money equal to the amount  
of bonds required; etc., and declar-  
ing an emergency,"

Have had the same under con-  
sideration, and I am instructed to  
report it back to the Senate with the  
recommendation that it do pass with  
committee amendment attached  
and be printed.

HOPKINS, Chairman.

#### Committee Amendment.

Amend H. B. No. 247 by striking  
out Section 6-a, Page 11, and in-  
serting in lieu thereof the follow-  
ing:

"Section 6. (a) Before any per-  
mit shall be issued, and before en-  
gaging in the sale of motor fuel in  
Texas every distributor shall exe-  
cute and file with the Comptroller  
a good and sufficient surety bond  
which shall run concurrently with  
the permit heretofore provided for  
in this Act. The said bond shall be  
signed by said distributor, and a  
good and sufficient surety company  
or companies authorized to do busi-  
ness in this State, to be approved by  
the Comptroller in an amount not  
less than One Thousand Dollars  
(\$1000.00), nor more than Twenty-  
five Thousand Dollars (\$25,000.00),  
payable to the State of Texas, and  
conditioned for the full, complete  
and faithful performance of all the  
conditions and requirements of this  
Act, on a form to be prescribed by  
the Comptroller, with the approval  
of the Attorney General, expressly  
providing for the payment of all  
taxes, costs, penalties and interest  
at Austin, Texas. The amount of the  
bond required of any distributor  
shall be fixed by the Comptroller,  
and, subject to the limitations here-  
in provided, additional bond shall  
be required by the Comptroller at  
any time an existing bond becomes  
insufficient. However, the distrib-  
utor may demand a reduction of  
his bond after six (6) months from  
the effective date hereof in a sum  
to be not more than three times the  
highest tax said distributor has paid  
for any month during the preceding  
six (6) months, but which shall  
never be less than the minimum  
nor more than the maximum afore-  
said."

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 423, A bill to be entitled (Relative to payment of mileage fee by the State).

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

HOLBROOK, Chairman.

#### Committee Amendment.

Amend S. B. No. 423 by adding at the end of Section 2 thereof, the following:

"and the State Comptroller shall also send by first class mail to each sheriff and each district clerk in the State a copy of said chart."

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 414, Relative to abolishing longevity pay of State Rangers.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

HOLBROOK, Chairman.

#### Committee Amendment.

Amend S. B. No. 414 by adding to the caption thereof, the following:

"and declaring an emergency."

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 374, A bill to be entitled "An Act fixing the term of office of school trustees of independent school districts heretofore created by special acts of the Legislature, having the board of 7 trustees and having included within their boundaries a city whose population was in excess of 200,000 as shown by the last

preceding Federal census, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GREER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 388, A bill to be entitled "An Act ordering and authorizing the Governor of the State of Texas and the Commissioner of the General Land Office of the State of Texas to convey and quitclaim to the trustees of the Troup Consolidated Independent School District in Smith and Cherokee Counties, Texas, and their successors in office for the use and benefit of said Troup Consolidated Independent School District and now abandoned site, lands and property of the Troup Experiment Station located partly in and partly contiguous to the city limits of the town of Troup in Smith County, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GREER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 211, A bill to be entitled "An Act amending Chapter 91, Acts First Called Session, Fortieth Legislature, as amended by Chapter 77, Acts First Called Session, Forty-first Legislature, as amended by Chapter 164, Acts Regular Session Forty-second Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

GREER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 34, A bill to be entitled "An Act amending Article 2691, Revised Statutes of Texas, 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GREER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 301, A bill to be entitled "An Act amending Article 2919 Revised Civil Statutes of Texas, 1925, relating to free kindergartens, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

GREER, Vice-Chairman.

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 22, A bill to be entitled "An Act authorizing cities and towns under 5,000 inhabitants to establish and maintain municipal chambers of commerce or boards of city development, and to appropriate funds of the municipality for that purpose; providing for referendum elections by the qualified property taxpaying voters of cities and towns to determine whether or not such chambers of commerce or boards of city development shall be established and maintained; authorizing the governing bodies of cities and towns to pass ordinances and resolutions and enter into contracts for the organization, maintenance, operation and control of such chambers of commerce or boards of city development; exempting charters already existing

from the provisions thereof; repealing laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 271, A bill to be entitled "An Act amending Acts of 1930, Fifth Called Session, Forty-first Legislature of Texas, page 212, Chapter 66; otherwise identified as Article 2774a, Revised Civil Statutes of 1925, by exempting certain cities and towns from the provisions thereof until the people residing therein, by referendum, avail themselves of the provisions thereof by vote of the majority of the qualified voters thereof; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 281, A bill to be entitled "An Act to amend Chapter Nine of Title 28 of the Revised Civil Statutes of Texas by adding language to Article 1093 to limit the amount of any assessment to one-fourth of the assessed value of the property at the time the lien is fixed, and providing that parties cited by publication shall be entitled in a suit to enforce such lien, to plead any matters which might have been urged in an original hearing upon the assessment, and prohibiting personal judgments except upon contract liens, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, with committee amendment hereto attached, and be printed.

COLLIE, Chairman.

Committee Amendment.

Amend Senate Bill No. 281, by striking out of line four the last two words and the first six words in line five of Section 2 and substituting therefor the following:

"At the assessed valuation of the property for the previous year."

Committee Room.

Austin, Texas, March 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 111, A bill to be entitled "An Act amending Article 2270, Chapter 12 of Title 42 of the 1925 Revised Civil Statutes of Texas, relating to the giving of supersedeas bonds, and providing that in lieu thereof the court may permit deposits of money from time to time with the registry of the court, sufficient to discharge such judgment, interest and costs; repealing all laws in conflict therewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room.

Austin, Texas, March 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 311, A bill to be entitled "An Act validating, confirming and approving the action of the governing bodies of all cities and towns of five thousand (5000) inhabitants or less in the addition or attempted addition of any territory adjoining the limits of any such city or town under and by virtue of Article 974 of the Revised Civil Statutes of 1925 and any and all other laws relative thereto; validating all ordinances, resolutions, elections or other action passed, made, held and taken in reference thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

COLLIE, Chairman.

Committee Room.

Austin, Texas, March 7, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 323, A bill to be entitled "An Act validating the incorporation of the City of Overton; validating the incorporation election which was held on or about April 11, 1931, and the other incorporation proceedings relative thereto; validating the election of the Mayor and Board of Aldermen and other officials for said city following such incorporation election; validating the organization of the City Council; validating all governmental proceedings done and performed by such governing body and officials; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

COLLIE, Chairman.

Committee Room.

Austin, Texas, March 8, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 175, A bill to be entitled "An Act to authorize the creation of corporations in this State under the general corporation laws for the purpose of forming and operating a general detective agency or company to do a general detective business, to employ and furnish persons to make investigations and reports, and to furnish guards or watchmen to protect industrial plants, business institutions and residential property, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLLIE, Chairman.

Committee Room,  
Austin, Texas, March 8, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 342, A bill to be entitled "An Act to amend Article 1119 of the Revised Civil Statutes of 1925, as amended by the Acts of the Forty-second Legislature, Regular Session, General Laws, Chapter 226, page 380, so as to authorize the governing body of cities and towns of over 500 population to prescribe rates; such rates not to yield more than ten (10%) per cent on actual costs of physical properties, equipment and betterments; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendments hereto attached, and be printed.

COLLIE, Chairman.

#### Committee Amendment No. 1.

Amend S. B. No. 342 as follows:

By striking out the words and figures "five hundred (500)" in line 4, Section 1 of the typewritten bill and insert in lieu thereof the words and figures "four hundred (400)" and by striking out the words and figures "ten (10%) per cent" in line 15, Section 1 of the typewritten bill and insert in lieu thereof the words and figures "eight (8%) per cent."

#### Committee Amendment No. 2.

Amend S. B. No. 342, as follows:

By striking out the second line of Section 2 and insert in lieu thereof the following: "of four hundred (400) and more."

#### Committee Amendment No. 3.

Amend S. B. No. 342 as follows:

Amend caption to conform with the body of the bill.

Committee Room,  
Austin, Texas, March 7, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 24, Relative to adopting a State flower song.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal only.

HOPKINS, Chairman.

#### H. C. R. No. 24.

By Fuchs and Mathis, Sr.

Whereas, The Regular Session of the Twenty-seventh Legislature in 1901 adopted the Bluebonnet as the State flower, and

Whereas, This House on February 8th, heard the beautiful song, "Bluebonnets," the words by Julia D. Booth, music by Lora C. Crockett, sung by Alice Clay Routt; the words as follows:

#### I.

When the pastures are green in the springtime  
And the birds are singing their sonnets,  
You may look to the hills and the valleys  
And they're covered with lovely Bluebonnets.  
Blue is the emblem of loyalty,  
They're as blue as the deep, deep sea,  
Their smiling faces bring gladness  
For they bloom for you and for me.

#### Chorus:

Bluebonnets, blue lovely Bluebonnets,  
More beautiful than all the rest,  
Texas chose you for her flower,  
And so we love you best, Bluebonnets.

#### II.

Bluebonnets so gorgeous and stately  
In your mantle of blue and of green,  
In the spring when you're in your full glory  
You're the loveliest sight ever seen,  
You're beautiful when you sway in the sunshine,  
You look like the waves of the sea,  
Ah, Texas was wise in her choice of a flow'r  
So we offer our homage to thee.

and

Whereas, This State has no State flower song; therefore be it

Resolved by the House of Representatives, the Senate concurring, That it adopt the Bluebonnet song as the State flower song.